

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

WILLIAM P. JACKSON,	)	CIVIL ACTION NO. 2:21-cv-399
	)	
Plaintiff,	)	JUDGE KIM R. GIBSON
	)	
vs.	)	
	)	
WARDEN ORLANDO HARPER, <i>et al.</i> ,	)	
	)	
Defendants.	)	

MEMORANDUM ORDER

This matter was referred to United States Magistrate Judge Keith A. Pesto ("Judge Pesto") for proceedings in accordance with the Federal Magistrates Act, 28 U.S. C. § 636, and Local Civil Rule 72.D.

Plaintiff William P. Jackson ("Jackson") commenced this *pro se* civil rights action on March 25, 2021, by filing a motion for leave to proceed in forma pauperis (ECF No. 1). That motion was granted (ECF No. 4) and Jackson's complaint was filed on April 20, 2021. (ECF No. 5). On May 12, 2021, Jackson filed a Motion to Amend his Complaint. (ECF No. 7). On September 13, 2021, Judge Pesto granted Jackson's Motion to Amend his Complaint (ECF No. 11) and Jackson subsequently filed an Amended Complaint on December 29, 2021. (ECF No. 15).

Jackson alleges that he has been a pretrial detainee at the Allegheny County Jail ("ACJ"). Jackson contends that while incarcerated at ACJ he has experienced unlawful and unconstitutional treatment. Specifically, Jackson alleges that he was initially placed into "protective custody" in the ACJ's restrictive housing unit ("RHU"), but his status was then changed to "administrative custody." Jackson alleges that his prolonged stay in administrative

custody has been done in retaliation against him because of his prior complaints against Deputy Laura Williams, medical director, regarding the inadequate medical care Jackson claims to have received. Jackson further alleges that he has received dental care that is so deficient that it amounts to a violation of the Eighth Amendment. Jackson has also alleged repeated and significant delays in dental treatment that have left him in agonizing pain and unable to eat at times. (ECF No. 15).

Jackson named seven defendants in his initial complaint: Warden Orlando Harper, Chief Deputy David Zetwo, Deputy Laura Williams, Major Adam Smith, Dental Mr. Wilson, Sergeant Gerber and Captain Frank (ECF No. 5). On February 3, 2022, Judge Pesto issued a Report and Recommendation recommending that the amended complaint be served in part and dismissed in part without leave to amend. (ECF No. 16). On April 26, 2022, this Court issued a Memorandum Order adopting Judge Pesto's Report and Recommendation. (ECF No. 17). In that Memorandum Order, the Court ordered that Jackson's Amended Complaint with respect to his Eighth Amendment claims against Dental Mr. Wilson and Deputy Laura Williams be served on Dental Mr. Wilson and Deputy Laura Williams, and that Jackson's Amended Complaint with respect to his remaining claims against Defendants Warden Orlando Harper, Chief Deputy David Zetwo, Major Adam Smith, Sergeant Gerber, and Captain Frank be dismissed without leave to amend. (*Id.* at 3).

On June 9, 2022, Jackson filed a Motion for Preliminary Injunction concerning the inadequate dental care Jackson claims he is receiving. (ECF No. 21). On June 14, 2022, Judge Pesto issued a Report and Recommendation recommending that Jackson's Motion for Preliminary Injunction be denied. (ECF No. 23 at 1). Jackson was advised that he had fourteen days to file

objections to the Report and Recommendation. (*Id.* at 2). To date, no objections have been filed and the time to do so has passed.

After review of the Report and Recommendation (ECF No. 23) and the other documents filed in this case under the applicable “reasoned consideration” standard, *see EEOC V. City of Long Branch*, 866 F.3d 93, 100 (3d Cir. 2017) (standard of review when no timely and specific objections are filed), and pursuant to Local Civil Rule 72.D.2, the Court will accept in whole the findings and recommendations of Judge Pesto in this matter. Judge Pesto correctly determined that Jackson’s Motion for Preliminary Junction should be denied. Accordingly, the following order is entered:

AND NOW, this 8<sup>th</sup> day of July, 2022, **IT IS HEREBY ORDERED** that Jackson’s Motion for Preliminary Injunction (ECF No. 21) is **DENIED**.

**IT IS FURTHER ORDERED** that the Report and Recommendation (ECF No. 23) is **ADOPTED** as the opinion of the Court.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

**THE HONORABLE KIM R. GIBSON  
UNITED STATES DISTRICT JUDGE**

Notice to by U.S. Mail to:

William P. Jackson  
02400509  
2240 Hubbard Road  
Youngstown, OH 44505